

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

2010 AUG 17 PM 2:20

CLERK B. W. [Signature]  
SO. DIST. OF GA.

[Enter the full name of the plaintiff in this section]

Rose Strodder Ferdinand

Civil Action No. **CV 410-190**  
[to be assigned by Clerk]

v.

[Enter the full name of each defendant in this action.  
If possible, please list only one defendant per line.]

City of Midway, ETAL  
Midway City Council  
Liberty County, ETAL  
Liberty Consolidated Planning Commission

If allowed by statute, do you wish to have a trial by jury? Yes ☒ No ☐

[If any answer requires additional space, please use additional paper and attach hereto]

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same Facts involved in this action?

Yes ☐ No ☒

B. If your answer to A is Yes, describe the lawsuit in the space below. [If more than one lawsuit, describe on another sheet using the same outline.]

1. Parties to this lawsuit:

Plaintiff: \_\_\_\_\_

Defendant: \_\_\_\_\_

2. Court: \_\_\_\_\_

(If federal court, name the district; if state court, name the county)

3. Docket Number: \_\_\_\_\_

4. Name(s) of Judge(s) to whom case was assigned: \_\_\_\_\_

5. Status of Case: \_\_\_\_\_

(For example, was the case dismissed? Settled? Appealed? Still Pending?)

6. Date lawsuit was filed: \_\_\_\_\_

7. Date of disposition (if concluded): \_\_\_\_\_

C. Do you have any other lawsuit(s) pending in the federal court?

Yes \_\_\_\_\_

No ☒

## II. PARTIES

In Item A below, place your name and address in the space provided. [If additional plaintiffs, do the same on another sheet of paper.]

A. Name of Plaintiff: Rose Strocker Ferdinand

Address: \_\_\_\_\_

P.O. Box 233 Midway, GA 31320

(mailing address)

897 South Coastal Hwy

Midway, GA 31320

(Physical address)

In Item B below, place the full name of the defendant, and his/her/its address, in the space provided. Use Item C for additional defendants, if any.

B. Name of Defendant: City of Midway, ETAL (Midway City Council)

Address: P.O. Box 125 Midway, GA 31320

C. *Additional Defendants (provide the same information for each defendant as listed in Item B above):*

Liberty County, ETAL (Liberty Consolidated Planning Commission)  
205 East Court Street  
Milledgeville, GA 31313

### III. STATEMENT OF CLAIM

*State here, as briefly as possible, the facts of your case. Describe how each defendant is involved. Include also the name(s) of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets of paper if necessary.*

Plaintiff submitted the required documents and application forms to City of Milledgeville Clerk on June 7, 2010, for a business license. The proposed application forms for an academic learning center (ages 3 months to 6 years of age). A center to provide tutorial service for elementary students, advocate service, evening care for working adults, and enrichment programs on Saturdays.

## III. STATEMENT OF CLAIM - continued.

Mrs. Osborne (city administrative clerk) faxed forms to Liberty Consolidate Planning Commission (LCPC), Debra Attical, Zoning Administrator for processing. Shortly thereafter Mrs. Osborne called Plaintiff and stated Mrs. Attical needed to speak with <sup>(Plaintiff)</sup> me. Plaintiff called Mrs. Attical and was told the following:

- Plaintiff would violate state liquor law 3-3-21
- Bright Start (Georgia state agency which license child care facility) would not allow <sup>(Plaintiff)</sup> me to operate next to a grocery store (IGA).
- Mr. Jim Woods, part owner of IGA was in the process to secure building permits to expand IGA (grocery store) approximately 92' from proposed location of Plaintiff's academic learning center.

Plaintiff informed defendant Attical <sup>(Plaintiff)</sup> she had just previously completed training with Bright Start in Atlanta and the above issues were never cited as a problem or violation. Plaintiff called state Attorney General Office to verify defendant Attical claims and was referred to Mr. Ron Huckelby, Savannah Internal Revenue

(see back) →

Fire Arms, Alcohol and Tobacco. Mr. Huckelby stated the statute has misinterpreted the law. Mr. Huckelby stated the statute did not apply to Plaintiff opening an academic learning center.

On or about July 19, 2010, Midway City Council (defendant) had a council meeting with Plaintiff on Agenda but did not notified plaintiff to attend. A ruling was made to deny my application. Upon learning of ruling, plaintiff contacted liberty County Planning Commission, Mr. Sunny Timmerman Director. In conference with Mr. Timmerman <sup>defendant</sup> he would not give plaintiff a definitive reason ~~for~~ for denying plaintiff's application. Defendant Timmerman concluded with, plaintiff's proposed business may jepodize future bussinesses interest in locating in that section of Midway. Defendant Timmerman attempted to persuade plaintiff she (plaintiff) would be in violation of city ordinance (B-2 zoning).

Plaintiff had requested a copy of City of Midway Ordinance prior to meeting with defendant Timmerman, then learned Midway B-2 ordinance did not exclude plaintiff from setting up an early learning center with various supportive services. Defendant Timmerman stated he would have me (plaintiff) appear at next meeting. Plaintiff also requested to appear in writing.

Prior to city of Midway Aug 9, 2010 Council meeting, Plaintiff obtained attorney George Waters reviewed

IV. RELIEF.

*State briefly and exactly what you want this court to do for you.*

documents and concerned Plaintiff is not in violation of City of Midway's Ordinance (B-1 or B-2).

At the Midway August 9, 2010 Council meeting plaintiff and plaintiff's attorney learned Plaintiff's application was denied because LCPC and Midway City Council could not guarantee children safety at proposed site. Based on the training plaintiff completed in Atlanta with Bright Start (State of GA agency which license child care facility), Bright Start and owner of business are responsible for safety of children enrolled at center based on state regulations.

*I declare under penalty of perjury that the foregoing is true and correct.*

Signed this 17<sup>th</sup> day of August, 2010.

Rose Stoddard Fenham  
Signature of Plaintiff

P.O. Box 233

Address

Midway, GA 31320

897 South Coastal Hwy  
Midway, GA 31320

857-233-8017

Phone Number

UNITED STATES DISTRICT COURT

For the

Rose S. Ferdinand

Plaintiff

Civil Action No. \_\_\_\_\_

v

Liberty County (Liberty County Joint Planning Commission), ETAL

And

City of Midway (Midway City Council), ETAL

\_Defendants

**Plaintiff's Succint Factual Narrative:**

Plaintiff, Rose S. Ferdinand validates according to the United States Constitution, plaintiff's 1<sup>st</sup> and 14<sup>th</sup> Amendment Rights have been violated by both defendants; Liberty County (Liberty County Joint Planning Commission), ETAL and City of Midway (Midway City Council), ETAL.

The Plaintiff's nature of suit aligns with:

630 LIQUOR LAWS

660 OCCUPATIONAL SAFETY/HEALTH

470 RACKETEER INFLUENCED AND CORRUPT ORGANIAZTIONS

950 CONSTITUTIONALITY OF STATE STATUES

445 AMER W/DISABILITIES-OTHER

440 OTHER CIVIL RIGHTS

190 OTHER CONTRACT

**U. S. CONSTITUTION 1<sup>ST</sup> AMENDMENT RIGHT:** The right to petition the government for a redress of grievances guarantees people the right to ask the government to provide relief for a wrong through the courts (litigation) or other governmental action. It works with the right of assembly allowing people to join together and seek change from government.

**U. S. CONSITUTION 14<sup>TH</sup> AMENDMENT:** The Supreme Court held that the Due Process Clause of the Fourteenth Amendment applies the First Amendment to each state, including any local government.

Cited Case: Gitlow v. New York, 268 U. S. 652

<http://supreme.justia.com/us/268/652/case.html> (1925)

(See Attached)

UNITED STATES DISTRICT COURT

For the

Rose S. Ferdinand, Plaintiff

Civil Action No. \_\_\_\_\_

v.

City of Midway, ETAL

And

Liberty County ETAL, (Liberty Consolidated Planning Commission)

Defendants

VII. Relief Requested in Complaint:

1. Compensatory damages in the amount of \$3 million dollars from each defendants.
2. Punitive damages in the amount of \$ 3million dollars from each defendants.
3. Trial by jury on all issues triable by jury.
4. Plaintiff's cost of such action.
5. Such other relief as this court deems just proper and equitable.

This 17<sup>th</sup> Day of August, 2010

Respectfully Rose S. Ferdinand, Plaintiff

Rose. S. Ferdinand, plaintiff



CERTIFICATE OF SERVICE

I hereby certify that I have this day served the Respondent(s) with a copy of the foregoing, by placing the same in the United States mail in a proper enveloped with adequate postage attached, properly addressed to:

United States District Court

Office of the Clerks,

P. O. Box 8286

Savannah, Georgia 31412

This 17<sup>th</sup> of August 2010

Rose S. Ferdinand

Petitioner, Pro se Rose S. Ferdinand

Petitioner's Address

Rose S. Ferdinand

P. O. Box 233

Midway, GA 31320

NOTARY \_\_\_\_\_ DATE \_\_\_\_\_

NOTARY SEAL: